

U.S. Application Serial No. ~~10542378~~

### **REMARKS**

The present amendment is in response to the Official Action dated April 21, 2006, wherein the Examiner rejected pending claims 1-28. More specifically, the Examiner rejected claims 1, 2, 11-21, 23 and 28 under 35 USC §102(e) as being anticipated by Mansour, US Patent Application Publication No. 2005/0085253, and rejected the remaining claims 3-10, 22 and 24-27 under 35 USC §103(a) as being unpatentable in view of Mansour, '253, and one or more of Hunzinger et al., US Patent Application Publication No. 2004/0116132; Tanaka, US Patent No. 6,819,919; Abdelgany et al., US Patent No. 6,584,090; and Abdelgany, US Patent No. 6,208,844.

However, contrary to the Examiner's assertions Mansour, '253, fails to make known each and every feature of the independent claims 1 and 23, and therefore cannot be said to anticipate the independent claims, as well as all of the claims which depend therefrom. More specifically, Mansour, '253, fails to make known or obvious a detection by the second cellular mobile terminal a communication initiation sequence, which was transmitted by a first cellular mobile terminal at the selected frequency (claim 1), and further fails to make known or obvious wherein at least one of the cellular transmitter and the cellular receiver functions at a frequency of operation, corresponding to the other one of the cellular transmitter and the cellular receiver (claim 23).

Mansour, '253, alternatively relates to a system for communication where the communications are routed via the network (i.e. the base station). In other words, the reference does not relate to the establishment of direct mobile to mobile communication. More specifically, the initiation of a call is facilitated through information conveyed over one or more paging channels, where the information conveyed by the paging channel comes through the base station (see [0006] and [0009]). Furthermore, relative to claim 23, while the Examiner asserts a typical cellular system will have a transmit frequency band and a corresponding receive frequency band, the reference fails to teach where the transmitter uses a frequency corresponding to the receive band, or the receiver uses a frequency corresponding to the transmit band, and consequently fails to relate to the feature being claimed. The other references, which have been cited fail to account for the above noted deficiencies.

Furthermore, the above noted deficiencies, are relative to the respective independent claims and therefore similarly relate to all of the corresponding dependent claims, which depend therefrom.

As a result, all of the claims are neither anticipated, nor made obvious, in view of the particular references for which the Examiner asserts support of his rejection. Consequently, in absence of a well reasoned rejection of the claims, which meets the requirements for rejection of an application. The Examiner should withdraw the rejection.

The applicants have further introduced amendments into the claims, in an attempt to make the same more clear, as well as have attempted to address the Examiner's concerns relative to the alleged lack of clarity, and objections relative to the abstract.

As presently amended, the claims are allowable over the prior art of record for the reasons noted above. Allowance of the application, and minimally the reconsideration and reexamination of the claims, is respectfully requested.

Respectfully submitted,

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